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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,007	11/09/1999	KIA SILVERBROOK	AP08-US	7399

7590 12/31/2003

KIA SILVERBROOK
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN NSW, 2041
AUSTRALIA

EXAMINER

SAGER, MARK ALAN

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/31/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,007

Applicant(s)

SILVERBROOK ET AL.

Examiner

M. A. Sager

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,20,21,23-49,51,52,54-72,74,75 and 77-87 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 18,20,21,23-49,51,52,54-72,74,75 and 77-87 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Specification

1. The attempt to incorporate subject matter into this application by reference to instant specification is improper because a disclosure may not reference itself as basis for incorporation by reference of essential material.

2. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973). Incorporation of material regarding controller chip (3:30-4:2) cannot be accomplished by incorporating instant specification.

3. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because of numerous entry of changes to specification having sentence fragments for instance amendments to: page 3, line 23 to page 4, line 1 is believed as best guess should have been page 3, line 23 to page 4 line 4; page 4, lines 9-15 is believed as best guess should have been page 4, lines 12-18; page 4, lines 22-33 is believed as best guess should have been to page 4, line 25 to page 5, line 4; page 5, lines 3-16 is believed as best guess should have been to page 5, lines 10-23. The declaration filed June 3, 2002 under 1.132 is not proper declaration for purposes coinciding with incorporation of essential material.

Art Unit: 3714

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Finally, the reference to application 09/436508 on page 4, as amended, should include reference to its corresponding now patent number 6626529.

Drawings

4. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 07 October 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance. Although changes to figs. 6 and 7 were not highlighted or did not use red ink, the changes are understood as reflected by Applicants' remarks in response to examiner's prior objection.

5. The Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected. For future reference, corrections must be made in accordance with the instructions below.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and

Art Unit: 3714

application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

6. In order to avoid abandonment, the drawing informalities noted in Paper No. 15, mailed on May 21, 2003, must now be corrected. Correction can only be effected in the manner set forth above.

Claim Objections

7. Claims 37-41 are objected to because of the following informalities: depend from canceled claims 19, 22. Claims examined for dependency from closest lowest numbered independent. Appropriate correction is required.

Claim Rejections - 35 USC §102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3714

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention

by the applicant for patent, except that a patent shall not be deemed filed in the United States for the

purposes of this subsection based on the filing of an international application filed under the treaty defined

in section 351(a).

8. Claims 18, 20-21, 23-29, 32-34, 37, 39-41, 65-66, 68-72, 74-75, 77-79, 81 and 83-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly (5816918). Regarding claim language 'a replaceable cartridge assembly' due to term including interpreted with broadest interpretation in light of specification without reading steps/features into instant claim(s), is interpreted to include meaning of a [multiple] cartridge assembly for each ink supply unit, print media supply and print media feed roller device as conventional such that the cited language as claimed for respective structures fails to preclude conventional ink jet printers with replaceable paper tray(s), replaceable print roller(s), and replaceable ink supply cartridge(s). Thus, the claimed invention is understood as noted and with broadest interpretation of same, Kelly discloses a system teaching a gaming device (6:10-18, figs. 1-4, esp. 2) having a receptacle for accepting detachable memory (12:58-67), communication means for receiving interaction data from control device operated by a user and comprises wireless communication system (6:64-7:17, 11:35-39, 12:37-40, ref. 16, 24) and an ink jet printer apparatus whereby Kelly inherently includes components for enabling input to camera or output to ink jet printer (10:32, 13:38-47, 14:27-33) to input user image or output prize ticket or souvenir or certificate (8:55 and 59), including corresponding components of camera or ink jet printer, as disclosed therein. Enix

Art Unit: 3714

(4904100), Machida (5559932), Nakamura (5419543) or Isobe (5462375) is submitted as evidence of ink jet printers with replaceable cartridge assembly as claimed, sic.

Claim Rejections - 35 USC § 103

2. Claims 42-43, 45-56, 58, 60-62 are rejected under 35 U.S.C. 102(e) as anticipated by Kelly or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kelly in view of either Ferguson (3843132) or Heckman (5291243). Kelly discloses a system teaching a gaming device comprising claimed features/steps (*supra*) including an ink jet printer that inherently automatically prints gaming images. Ferguson or Heckman is provided as evidence that a printer apparatus being operatively associated with a processor in a printing process for automatic printing of images was known prior to invention. Essentially, the automatic printing of an image is set up in a printing routine (e.g. printer control) of program application that allows user control of whether to save paper output or utilize convenience of auto-print. Kelly's system inherently includes a print control routine for printer utilization for user designation whether to utilize its convenience of automatic printing or to conserve paper. Alternatively, it is notoriously well known in printing art at a time prior to invention for a printer apparatus operatively associated with a processor to automatically print an image upon print control designation to permit a user to designate whether to auto-print output as a convenience. Ferguson discloses automatic printing of game state for a record; while, Heckman admits automatic printing in a system for remote generation or for security was known (1:19-5:36). It is further noted that Heckman cites documents describing printing control, sic. Therefore, it would have been obvious to an artisan at a time prior to the invention to add automatically as notoriously well known or as taught by either Ferguson or Heckman to Kelly's system or Kelly's system for user convenience.

Art Unit: 3714

9. Claims 30-31, 57, 59, 80 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Kelly or Kelly in view of either Ferguson or Heckman. Regarding DVD, Kelly or Kelly in view of either Ferguson or Heckman discloses a system equivalent to claimed invention including detachable storage means (supra). A DVD player for utilizing DVD programs/movies is notoriously well known for increased storage capacity due to compression techniques and for providing improved graphics/sound that are known aspects of DVD technology. Therefore, it would have been obvious to an artisan at a time prior to Applicant's invention to add DVD as notoriously well known to Kelly's system or Kelly's system in view of either Ferguson or Heckman for improved graphics/sound and increased storage capacity to provide enriched output and larger multi-media files to be stored/played. Further, alternatively regarding 'DVD', the equivalence of claimed detachable storage media is noted. The difference between these features and that which is clearly taught by Kelly or Kelly in view of either Ferguson or Heckman lies in the particular type of detachable program storage means provided. As this feature is a variation of providing detachable program storage as is notoriously well known, such would have been obvious to one of ordinary skill in the art in implementation of Kelly or Kelly in view of either Ferguson or Heckman. Absent criticality, specific detachable storage falls within the realm of choice by game designers, when implementing a particular program storage (memory device) onto Kelly's system or Kelly's system in view of either Ferguson or Heckman. The lack of criticality of the specific recitations in the claims is evidenced by Applicant's disclosure (5:27-30) or the art of storage devices which further demonstrate this variation to be equivalent choices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'DVD' as an equivalent

Art Unit: 3714

program storage means to Kelly's system or Kelly's system in view of either Ferguson or Heckman in order to increase portability to other storage platforms so as to increase the library of stored material such as programs/movies. Additionally, DVD storage devices are notoriously well known to provide improved graphics/sound output over other storage devices and thus, consumers may prefer programs/movies stored on this format which provides improved output, thereby increasing interest in purchase/use of device.

Further regarding MEMS, MEMS processing technique is known alternative formation process to form printhead deemed obvious to add to Kelly's system or Kelly's system in view of either Ferguson or Heckman for forming printhead. Claims 38, 44 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Kamille (5931467) or Schneier (5768382), or, in the alternative, claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of either Ferguson or Heckman, as applied to claims above, and further in view of Kamille (5931467) or Schneier (5768382). As best understood, the language 'interactive information... to change or continue along... program' appears to be either clue or code for either altering or continuing game play. Kelly or Kelly in view of either Ferguson or Heckman discloses a game system comprising claimed features/steps (supra) but does not disclose providing clues or codes in manner claimed. Providing clues or codes in game to alter or continue play is notoriously well known to aid user in progress of program. Kamille discloses game teaching providing directional clue to assist user; while, Schneier discloses game teaching providing either a resume code (17:18-42) clues in crossword puzzle (inherent to provide clues in crossword puzzle, 8:62-66, 52:26-29) to assist user. Therefore, it would have been obvious to an artisan at a time prior to the invention to add 'interactive information... to change or continue

Art Unit: 3714

along... program' as notoriously well known or as taught by either Kamille or Schneier to Silverbrook's device or Silverbrook's device in view of either Invencion or Kelly or, Silverbrook's device in view of either Invencion or Kelly and further either Ferguson or Heckman to aid user.

10. Claims 18, 20-21, 23-37, 39-41, 65-66 and 68-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (5566290) or alternatively, over Silverbrook ('290) in view of either Invencion (5718631) or Kelly et al (5816918). Regarding claim language 'a replaceable cartridge assembly' due to term including interpreted with broadest interpretation in light of specification without reading steps/features into instant claim(s), is interpreted to include meaning of a [multiple] cartridge assembly for each ink supply unit, print media supply and print media feed roller device as conventional such that the cited language as claimed for respective structures fails to preclude conventional ink jet printers with replaceable paper tray(s), replaceable print roller(s), and replaceable ink supply cartridge(s). Silverbrook ('290) discloses an equivalent multi-media device (1:60-4:3, figs. 1-2) for interactive games or educational programs (3:62-65) comprising a casing housing media device and a casing housing equivalent printer (3:45-50, refs. 2, 9), an equivalent processing means for executing interactive program at least partially in reliance upon interaction data to generate display images for output to an display means (3:59-4:36, esp. 3:59-65, fig. 2, ref. 50, 63, 70), a receptacle for an equivalent detachable interactive program storage means (2:4-6, ref. 11, 21, 64, 78) for execution by device, an equivalent communication means including wireless communication for detachable controller for receiving interaction data from at least one control device (2:6-18) *whereby remote control of device is enabled at a distance* to enable operational interaction from control devices during

Art Unit: 3714

execution of program (2:6-18; 3:45-50, fig. 2, ref. 67, 91) and an equivalent integral printer apparatus being operatively associated with processing means to print out gaming images in response to execution of program (2:54-64; 3:45-50, 4:6-7) including an integral internal print media supply unit using sheets of paper while being operatively associated with processing and operating means to print out images on paper relevant to interactive program including predetermined positions in said program as determined by program such as in educational certificates or game state as conventional (2:54-64; 3:45-50). Silverbrook does not disclose the particular printer being an ink jet with associated components, DVD, MEMS or magnetic coupling.

Silverbrook ('290) claims an equivalent detachable storage means (supra); however, it is not the particular DVD technology (clm 31, 59, 82). DVD player module for utilizing DVD programs/movies is notoriously well known for increased storage capacity due to compression techniques and for providing improved graphics/sound which are known aspects of DVD technology. Therefore, it would have been obvious to an artisan at a time prior to applicant's invention to add DVD as notoriously well known to Silverbrook's multi-media device for improved graphics/sound and increased storage capacity to provide enriched output and larger multi-media files to be stored/played. Further, alternatively regarding 'DVD', the equivalence of claimed invention to claims 31, 59, 82 is noted. The difference between these features and that which is clearly taught by Silverbrook lies in the particular type of detachable program storage means provided. As this feature is a variation of providing detachable program storage as is notoriously well known, such would have been obvious to one of ordinary skill in the art in implementation of Silverbrook. Absent criticality, specific detachable storage falls within the

Art Unit: 3714

realm of choice by game designers, when implementing a particular program storage (memory device) onto Silverbrook's multimedia device. The lack of criticality of the specific recitations in the claims is evidenced by Applicant's disclosure (5:27-30) and within the art of memory media which further demonstrates these variations to be equivalent choices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'DVD' as an equivalent program storage means to Silverbrook's multimedia device in order to increase portability to other storage platforms so as to increase the library of stored material such as programs/movies. Additionally, DVD storage devices are notoriously well known to provide improved graphics/sound output over other storage devices and thus, consumers may prefer programs/movies stored on this format which provides improved output, thereby increasing interest in purchase/use of device.

Additionally, Silverbrook ('290) discloses an equivalent integral printer being operatively associated with equivalent processing means to print out gaming images onto sheets of paper or card in response to execution of program (supra), but does not clearly claim or disclose the particular 'printhead, a print media feed mechanism and a replaceable cartridge assembly... ink supply unit and print media supply' (clm 18, 65), printed out on 'substantially business card size' sheets of paper (clm 21, 75), 'replaceable cartridge assembly' (clm 22, 76), 'print media feed roller device... to the printhead' (clm 23, 77), 'ink jet printhead' (clm 27, 78), 'page width array of ink jet ejection nozzles... actuators' (clm 28, 79), 'thermal bend actuators' (clm 29, 81) and 'MEMS' (clm 30, 80). Regarding particulars of claimed printer, ink jet printer is conventional alternative equivalent printer to Silverbrook's laser jet printer for providing hard copy of image. Further, ink jet printers are notoriously well known to conventionally include a 'printhead, a print

Art Unit: 3714

media feed mechanism and a replaceable cartridge assembly... ink supply unit and print media supply', wherein sheets are printed out on 'substantially business card size' sheets of paper, 'print media feed roller device... to the printhead', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' for providing a hard copy print out. It would have been obvious to an artisan at a time prior to invention to add a ink jet printer having 'printhead, a print media feed mechanism and a replaceable cartridge assembly... ink supply unit and print media supply' wherein sheets are printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... to the printhead', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' as notoriously well known and conventional as an equivalent alternative to Silverbrook's device (printer) to provide hard copy print out. Alternatively, Kelly or Invencion discloses a game device having ink jet printer being operatively associated with processing means where the ink jet printer inherently possesses corresponding components of 'printhead, a print media feed mechanism and a replaceable cartridge assembly... ink supply unit and print media supply', wherein sheets are printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... to the printhead', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' for providing hard copy of game image. Further, Kelly teaches a casing housing the receptacle, communication means, processing means and the ink jet printer (figs. 1-4, esp. 2). Kelly's ink jet printer inherently possesses corresponding components which prints out coupons, tickets and certificates (supra) being on sheets of paper including 'substantially business card size' sheets of paper dependent upon application or desired output, as conventional. While, Invencion teaches a

Art Unit: 3714

casing housing for communication means and processing means and a casing for the ink jet printer with the ink jet printer inherently possessing corresponding components for the user's determination whether to print on substrate having dimensions of legal, standard paper, envelope or 'substantially business card size' sheets of paper dependent upon application or desired output, as conventional. Therefore, it would have been obvious to an artisan at a time prior to the invention to add ink jet printer having 'printhead, a print media feed mechanism and a replaceable cartridge assembly... ink supply unit and print media supply, wherein sheets are printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... to the printhead', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' as notoriously well known and conventional as an equivalent alternative to Silverbrook's device (printer) to provide hard copy of image. Essentially, it is noted for clarity of record, that the claim language 'including a casing' fails to preclude multiple casings such as suggested by Silverbrook's casing (fig. 1) and casing for remote, but operatively associated printer and demonstrated by Invencion. However, also, the claim language includes a singular casing housing receptacle, communication means, processing means and ink jet printer which is taught by Kelly. Thus, the combination of Silverbrook with either Invencion or Kelly taken as a whole at a time prior to the invention suggests to an artisan a device having an inkjet printer and claimed components within a casing or separate casings rendering scope of claimed invention unpatentable. Enix (4904100), Nakamura (5419543) or Isobe (5462375) is submitted as further evidence of ink jet printers with replaceable cartridge assembly as claimed, sic.

Further regarding MEMS, MEMS processing technique is known alternative formation process to form printhead deemed obvious to add to Silverbrook's multi-media device or Silverbrook's multi-media device in view of either Invencion or Kelly for forming printhead.

Finally, magnetic coupling is known alternative method of attaching/detaching deemed obvious to add to Silverbrook's multi-media device or Silverbrook's multi-media device in view of either Kelly as an alternative means for permitting selective attaching/detaching.

Essentially, the particularly claimed printer in combination with claimed game device fails to patentably distinguish over equivalent printer in Silverbrook or Silverbrook in view of either Invencion or Kelly (*supra*).

11. Claims 42-43 and 45-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook ('290) or, in the alternative, over Silverbrook in view of either Invencion or Kelly as applied to claims above, and further in view of either Ferguson (3843132) or Heckman (5291243). Silverbrook or Silverbrook in view of either Invencion or Kelly discloses/suggests claimed invention (*supra*). Regarding automatically, Ferguson or Heckman is provided as evidence that a printer apparatus being operatively associated with a processor in a printing process for automatic printing of images was known prior to invention. Essentially, the automatic printing of an image is set up in a printing routine (e.g. printer control) that allows user control to save paper or utilize convenience of printer control. Silverbrook's system inherently possesses printer control for printer utilization including user designation whether to utilize user convenience of automatic printing. Thus, Silverbrook or Silverbrook in view of either Invencion or Kelly inherently includes automatically printing by user designation of printer control for user convenience.

Alternatively, it is notoriously well known in printing art at a time prior to invention for a printer apparatus operatively associated with a processor to automatically print an image upon such being set up by printer control to permit a user to designate whether to auto-print output as a convenience. Ferguson discloses automatic printing of game state for a record; while, Heckman admits automatic printing in a system for remote generation or for security was known (1:19-5:36). It is further noted that Heckman cites documents describing printing control, sic. Therefore, it would have been obvious to an artisan at a time prior to the invention to add automatically as notoriously well known or as taught by either Ferguson or Heckman to Silverbrook's system or Silverbrook's system in view of Invencion or Kelly for user convenience.

12. Claim 38, 44 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook ('290) in view of either Nagel (5678001), Kamille (5319467) or Schneier (5768382) or, in the alternative, over Silverbrook in view of either Invencion or Kelly as applied to claims above, and further in view of either Nagel (5678001), Kamille (5319467) or Schneier (5768382) or, in the alternative, over Silverbrook in view of either Invencion or Kelly, and further in view of either Ferguson or Heckman as applied to claims above, and further in view of either Nagel (5678001), Kamille (5319467) or Schneier (5768382). As best understood, the language 'interactive information... to change or continue along... program' appears to be either clue or code for either altering or continuing game play. Silverbrook or Silverbrook in view of either Invencion or Kelly or, Silverbrook in view of either Invencion or Kelly and further either Ferguson or Heckman discloses a game device comprising claimed features/steps (supra), but does not discuss providing clues or codes in manner claimed. Providing clues or codes in game

Art Unit: 3714

to alter or continue play is notoriously well known to aid user in progress of program. Nagel discloses game teaching providing hints or clues (figs. 1-7) to assist user; while, Kamille discloses game teaching providing directional clue to assist user or Schneier discloses game teaching providing either a resume code (17:18-42) clues in crossword puzzle (inherent to provide clues in crossword puzzle, 8:62-66, 52:26-29) to assist user. Therefore, it would have been obvious to an artisan at a time prior to the invention to add 'interactive information... to change or continue along... program' as notoriously well known or as taught by either Nagel or Kamille or Schneier to Silverbrook's device or Silverbrook's device in view of either Invencion or Kelly or, Silverbrook's device in view of either Invencion or Kelly and further either Ferguson or Heckman to aid user.

Response to Arguments

13. Applicant's arguments filed Oct. 7, 2003 have been fully considered but they are not persuasive. Specifically, Applicant asserts patentability for invention, as amended in claims, (supra), regarding a video game device that incorporates an ink supply unit and a print media supply which are housed together in a replaceable cartridge assembly, it is noted that the claim language as constructed although may include such assembly, the language also includes conventional separate assembly for each ink supply, print media supply and print media feed roller device due to term 'including' a replaceable cartridge assembly. Thus claimed invention fails to preclude such conventional ink jet printer construction. The invention, as claimed, is not so limiting as to preclude such interpretation within normal definition of language. Also, Examiner agrees with Applicants that Kelly (or Silverbrook) does not disclose specifics regarding printer. However, an inventor need not disclose within their written specification that

Art Unit: 3714

which is well known (e.g. conventional) to an artisan and preferably omits that which is conventional. In re Buchner, 18 USPQ 2d 1331 (Fed Cir 1991); Hyberitech, Inc. v. Monoclonal Antibodies Inc., 231 USPQ 81 (Fed Cir 1986) cert. Denied, 480 US 947 (1987); Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 211 USPQ 481, 489 (Fed Cir 1984). Such is the situation with Kelly (or Silverbrook) in that the particulars of printer is not disclosed in Kelly (or Silverbrook), and the inventor, aka Kelly et al (or Silverbrook et al), relies upon conventional construction/use of ink jet printer. Conventional printer construction includes a replaceable ink supply unit such as a ink supply cartridge, a replaceable print media supply such as a paper tray or paper roll, and a replaceable print media feed roller device such as roller(s), motor(s), or gear(s) for ease of maintenance.

Further, it is noted that the Applicant's failed to seasonably traverse examiner's well known statements in their response, therefore, the object of the examiner's statements (regarding ink jet printers, MEMS, DVD, magnetic coupling, automatic print control and providing clues or codes in game are each well known steps/structures) is taken as admitted prior art. *In re Chevenard*, 139 F.2d 711, 60 USPQ 239 (CCPA 1943).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burke, 5665249, is submitted as evidence of a MEMS ink jet printhead.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

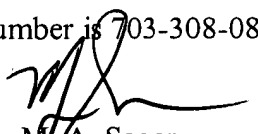
Art Unit: 3714

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 703-308-0785. The examiner can normally be reached on T-F, 0700-1700 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



M. A. Sager
Primary Examiner
Art Unit 3714

MAS
December 23, 2003